



Virginia Department of Education
Implementing the *No Child Left Behind Act of 2001*

QUESTIONS AND ANSWERS

Highly Qualified Teachers

The No Child Left Behind (NCLB) Act of 2001 places major emphasis upon teacher quality as a factor in improving student achievement. Title II of the reauthorized Elementary and Secondary Education Act (ESEA) focuses on preparing, training, and recruiting high-quality teachers and principals. Title I of the ESEA requires that all teachers of core academic subjects hired after the first day of the 2002–2003 school year and teaching in a program supported with Title I, Part A, funds be "highly qualified." States are required to develop plans with annual measurable objectives that will ensure that all teachers of core academic subjects are highly qualified by the end of the 2005-2006 school year.

1. What does "highly qualified" mean in Virginia?

Based on the No Child Left Behind legislation and the nonregulatory draft guidance document titled, *Improving Teacher Quality, State Grants*, Title II, Part A, June 6, 2002, the term "highly qualified" used in reference to any public elementary, middle, or secondary school teacher in the core academic subjects means that the teacher: holds full state licensure as a teacher, including licensure through alternate routes; and teaches only in the area or areas of endorsement.

In addition, a teacher who is entering the profession through an alternate route program may meet the definition of a highly qualified teacher if the participant in the program: (1) is permitted by the state to assume functions as a regular classroom teacher; (2) has a bachelor's degree; (3) has demonstrated subject matter competence by passing the state professional teacher assessments; and (4) is making satisfactory progress toward full licensure, as prescribed by the Board of Education.

2. What teachers are affected by the No Child Left Behind legislation?

New teachers hired after the first day of the 2002-03 school year in programs supported by Title I, Part A, funds must be "highly qualified." This includes all teachers of core academic subjects hired after the first day of the 2002-03 school year who are working in a Title I "Schoolwide Program" or a Title I teacher employed in a "Targeted Assistance" school.

"Highly qualified" also applies to all teachers of core academic subjects working in Title I and non-Title I schools by the end of the 2005-2006 school year. **The legislation defines the following areas as core academic subjects: English, reading or language arts, mathematics, science, foreign language, civics and government, economics, arts, history, and geography** [Section 9101(11)].

3. How does the No Child Left Behind legislation affect non-degreed career and technical teachers in Title I middle and high schools?

The federal legislation does not include career and technical education courses as core academic subjects. As such, the Board of Education's regulations will continue to provide the "Technical Professional License" to teachers of these courses.

4. How do the requirements for highly qualified teachers affect teachers of special education and English as a Second Language (ESL) teachers?

Special education and ESL are not identified in the federal legislation as core academic areas. Therefore, the licensing of special education and ESL teachers will continue to be governed by current Board of Education regulations. However, if students with disabilities or ESL students are receiving instruction in core academic subjects with a recognized course code in those subject areas, the teachers of those subjects must meet the requirements of the law.

5. What teaching endorsement is required for individuals teaching reading in Title I and Targeted Assistance schools?

An endorsement in elementary (such as prek-3, prek-6) **or** as a reading specialist is appropriate to teach reading in Title I Schoolwide and Title I Targeted Assistance elementary schools. Elementary teachers are authorized to teach reading and language arts in the instructional program; therefore, an elementary endorsement is appropriate for teaching reading in Title I programs in Schoolwide and Targeted Assistance schools. School divisions may require that Title I teachers be endorsed as reading specialists; however, this is not a requirement of the state or the No Child Left Behind Act.

6. When can a teacher in an alternate route licensure program be considered "highly qualified?"

A teacher completing an alternate route program may meet the definition of a highly qualified teacher if the participant in the program:

- (1) is permitted by the state to assume functions as a regular classroom teacher;
- (2) has a bachelor's degree;
- (3) has demonstrated subject matter competence by passing the state professional teacher assessments (Praxis I and II); and
- (4) is making satisfactory progress toward full licensure, as prescribed by the Board of Education.

An individual teaching in a Title I "Schoolwide Program" or a Title I teacher employed in a "Targeted Assistance" school who was employed after the first day of the 2002-2003 school year and received a license in an alternate route program is considered highly qualified if all requirements above have been met, including passing the Praxis I and II assessments. This meets the NCLB requirement that individuals demonstrate subject matter competency for initial state licensure. Further, the act requires that teachers participating in an alternate route program must receive high-quality professional development before and while teaching; participate in a program of intensive supervision; assume functions as a teacher only for a specified period of time not to exceed three years; and demonstrate satisfactory progress toward full licensure as prescribed by the state.

7. What kind of annual measurable objectives must the state include in its plan developed under Title I, section 1110 to ensure that all teachers teaching core academic subjects are highly qualified?

The state's plan, whether submitted as a program-specific application or consolidated application, must identify annual measurable objectives for each school division and schools in the state that, at a minimum, include the following; (1) an annual increase in the percentage of highly qualified teachers for each school division and schools; and (2) an annual increase in the percentage of teachers who are receiving "high-quality" professional development. The measurable objectives also may include such other measures as the State deems appropriate to increase teacher qualifications *[Title I, Part A, Section 1119 (a)(2)]*.

8. How will the state determine the annual measurable objectives for ensuring that all teachers of core academic subjects are highly qualified and receiving “high-quality” professional development?

On September 27, 2002, the Superintendent of Public Instruction requested in Supts. Memo. No. 61, that each school division provide data on an Instructional Personnel Survey of employed individuals as of October 1, 2002. The results of those data will be used to: (1) establish baseline data to determine how many teachers of core academic subjects, by school, are highly qualified; (2) establish procedures for highly qualified teachers based on the licensure system and the state definition of highly qualified teachers; (3) establish the state’s current percent status of highly qualified annual objectives; (4) establish new language needed to revise the licensure regulations for school personnel to be consistent with federal requirements; and (5) establish technical assistance strategies to help school divisions to attract and retain highly qualified teachers.

High-quality professional development will be ensured through at least two options from the state level: (1) revisions in the Board of Education’s requirements for licensure renewal every five years to reflect identified needs of in-service teachers; and (2) providing subgrants to school divisions in rural and high poverty areas from the Virginia Teacher Quality Enhancement grant to achieve the 100 percent highly qualified status and to improve teacher performance. In addition, school divisions will use their Title II, Part A, *Improving Teacher Quality State Grants*, to increase the academic achievement of all students by helping schools in their division improve the quality of teachers and principals and ensure that all teachers are highly qualified.

9. What happens if a school division has failed to make progress toward meeting the state’s annual measurable objectives for increasing the number of highly qualified teachers it employs?

Section 2141 of Elementary and Secondary Education Act (ESEA) requires that the state determine if a school division has made progress toward meeting the state’s measurable objectives for increasing teacher quality within the school division and the schools. If the school division fails for two consecutive years to make progress toward meeting the annual objectives, then the school division must develop an “improvement plan.” The improvement plan must be designed to help the school division meet the state’s annual measurable objectives for increasing the percentage of highly qualified teachers and must address issues that prevented the school division from meeting those objectives.

During the development of the improvement plan and throughout its implementation, the state must provide technical assistance to a school division, as well as to schools within a school division that need assistance to enable the school division to meet the objectives.

If, after the third year of the plan the state develops under Title I, section 1119 of ESEA, for increasing the percentage of highly qualified teachers, a school division has failed to make adequate yearly progress for three consecutive years under section 1111(b)(2)(B) of Title I, Part A, the State must enter into an agreement with the school division on its use of *Improving Teacher Quality State Grants* programs funds.

Special Note:

A Notice of Intended Regulatory Action (NOIRA) has been approved by the Board of Education to begin the process to amend the "Licensure Regulations for School Personnel." The requirements in the regulations will be examined and amended within the context of the No Child Left Behind enactment, including opportunities for public comment on greater flexibility for highly qualified elementary, middle, and high school teachers entering the profession after the enactment of the law. The proposed language, to be presented to the Board of Education during its March 26, 2003, meeting will address requirements for new and in-service highly qualified teachers.

Highly Qualified Paraprofessionals

All paraprofessionals hired after the date of enactment (January 8, 2002) of the No Child Left Behind legislation and working in a program supported with funds under Title I, Part A, must meet the federal definition of a "highly qualified" paraprofessional. Paraprofessionals hired before January 8, 2002, and working in a program supported with funds under Title I, Part A, must meet these requirements in four years. All paraprofessionals, regardless of the hiring date, must have earned a secondary school diploma or its recognized equivalent (GED). These requirements apply to paraprofessionals with instructional duties.

1. Title I, as amended by the *No Child Left Behind Act*, has new requirements for paraprofessionals. Why is this important?

Properly trained paraprofessionals can play important roles in Title I schools where they can magnify and reinforce a teacher's effect in the classroom. Studies such as Chambers, et al., *Study of Education Resources and Federal Funding: Final Report*, Washington, DC: U. S. Department of Education, 2000, indicate that paraprofessionals are used in many Title I schools for teaching and assisting in teaching when their educational backgrounds do not qualify them for such responsibilities. NCLB includes higher standards that educators must meet to ensure that students who need the most help are taught by highly qualified teachers and paraprofessionals.

2. What is a paraprofessional?

For the purposes of Title I, Part A, a paraprofessional is an employee who provides instructional assistance in a program supported with Title I, Part A, funds. This includes paraprofessionals who meet the following requirements: (1) provide one-on-one tutoring if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher; (2) assist with classroom management, such as organizing instructional and other materials; (3) provide instructional assistance in a computer laboratory; (4) conduct parental involvement activities; (5) provide support in a library or media center; (6) act as a translator; or (7) provide instructional support services under the direct supervision of a teacher [*Title I, section 1119(g)(2)*].

Individuals who work in food services, cafeteria or playground supervision, personal care services, noninstructional computer assistance, and similar positions are not considered paraprofessionals under Title I.

3. What are the requirements for Title I paraprofessionals?

All Title I paraprofessionals must have a secondary school diploma or its recognized equivalent. This includes paraprofessionals who serve as translators or who conduct parental involvement activities.

Additionally, Title I paraprofessionals whose duties include instructional support and who were hired after January 8, 2002, must have met one of the following options:

- (1) completed two years of study at an institution of higher education;
- (2) obtained an associate's (or higher) degree;
- (3) met a rigorous standard of quality and be able to demonstrate, through a formal state or local academic assessment, knowledge of and the ability to assist in instructing reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness) [section 1119(c) and (d)].

Paraprofessionals hired on or before January 8, 2002, and working in a program supported with Title I funds must meet these requirements by January 8, 2006.

4. The statutory language refers to "two years of study at an institution of higher education" [section 1119(c)(1)(a). What does "two years of study" mean in Virginia?

The law does not define "two years of study." The law requires that Title I paraprofessionals demonstrate the ability to assist in instructing in the academic content areas of English and mathematics. Approved teacher preparation programs in Virginia, effective July 1, 1998, base their instructional requirements on competencies outlined in the *Licensure Requirements for School Personnel in Virginia*. Since the programs are based on demonstrated competencies specified by the granting institution, the granting institution would determine the verification of two years of study.

5. Does the new requirement for paraprofessionals apply to school divisions or schools that do not receive Title I funds?

No. If a school division does not receive Title I funds, the requirements do not apply. Similarly, if a school division receives Title I funds, but a school does not receive Title I funds, the requirements do not apply to paraprofessionals working in that school.

6. Will the Virginia Department of Education require specific courses for the associate degree or the two years of preparation in an institution of higher education?

No. The Virginia Department of Education will not require specific courses for meeting the associate degree or the two years of study at an institution of higher education. However, the law does require that Title I paraprofessionals demonstrate the ability to assist in instructing in the academic content areas of reading/language arts, writing, and mathematics; or in reading readiness, writing readiness, and mathematics readiness. Hence, the Virginia Department of Education suggests that the "two years of study" include at least four semesters of coursework (12 credit hours) in English and/or mathematics relative to the job responsibility.

7. What information is available on the formal state assessment for paraprofessionals?

The Educational Testing Service (ETS) has developed a test for paraprofessionals, the **ParaPro Assessment**. The **ParaPro Assessment** for prospective and practicing paraprofessionals measures skills and knowledge in reading, mathematics, and writing and the ability to apply those skills and knowledge to assist in classroom instruction.

The two and one-half hour test consists of 90 multiple-choice questions about reading, mathematics, and writing. Approximately two-thirds of the questions in each subject area focus on basic skills and knowledge, and approximately one-third of the questions in each subject area focus on the application of those skills and knowledge in a classroom context. Fifteen of the questions in the test (five in each subject) are pretest questions and do not count toward the examinee's score. The test questions are arranged by subject area, with reading first, then mathematics, and then writing. The test fee for the **ParaPro Assessment** is \$40.

A recommended statewide cut-score for passing the **ParaPro Assessment** in Virginia will be presented to the Board of Education during its meeting on February 26, 2003. Information regarding action taken by the Board will be forwarded to all school division superintendents immediately following the meeting. Additionally, the cut-score for Virginia will be included on the VADOE Web site, www.pen.k12.va.us.

Additional information about the test is available on the Educational Testing Service Web site at: www.ets.org/parapro (**ParaPro Assessment [0755]; Test at a Glance**).

8. Can the formal state assessment be taken multiple times?

The test can be taken multiple times; however, ETS has not determined whether there will be a required waiting period before an individual may be re-tested.

9. Will study materials be available for the formal state assessment?

ETS has confirmed that a study guide will be available to prepare for the **ParaPro Assessment**. The anticipated fee for the study guide is \$25.

10. Will a school division be required to use the formal state assessment?

No. The NCLB legislation allows a formal state or local academic assessment. The test being developed by ETS will be the formal state assessment. School division officials may develop their own assessment to comply with this requirement of the federal act.

11. Will the Virginia Department of Education approve local paraprofessional assessments?

No. Ensuring that all professionals have the qualifications required in sections 1119 is the responsibility of each school division. However, there must be evidence that the assessment is valid and reliable. Also, the assessment results must be documented for each paraprofessional.

12. Will the Virginia Department of Education issue a paraprofessional license or certificate to highly qualified paraprofessionals?

Licenses or certificates will not be issued by the Virginia Department of Education. However, school divisions may issue a certificate documenting that the paraprofessional has successfully completed one of the three options required for the highly qualified designation. Even though the Virginia Department of Education will not issue a license or certificate to paraprofessionals, the department will collect and report annually information on paraprofessionals as required by the federal law.

13. Once the paraprofessional has met the requirements, is the status of being highly qualified "portable?" In other words, can the paraprofessional be deemed highly qualified in other local school divisions?

Paraprofessionals meeting the requirements for highly qualified through the options of two years of completed study at an institution of higher education, or an associate's or higher degree, or by satisfying the qualifying score on the state formal assessment will have portability status statewide.

14. What funds are available for helping paraprofessionals in Title I schools meet the new requirements?

A number of key ESEA programs authorize funds that can be used to improve teacher quality:

- Under section 1119 of Title I, a school division must use not less than 5 percent or more than 10 percent of its Title I allocation in the school years 2002-2003 and 2003-2004 (and not less than 5 percent in subsequent years) for professional development activities to ensure that teachers and paraprofessionals meet the qualification requirements in section 1119 [section 1119(1)].
- School divisions also may use their general Title I funds "to support ongoing training and professional development to assist teachers and paraprofessionals" [section 1114(b)(1)(D) and section 1115(c)(1)(F) and (d)].
- School divisions identified as needing improvement also must reserve funds for professional development and these funds may be used for paraprofessionals [section 1116(b)(3)(A)(iii) and 1116(c)(7)(A)(iii)].
- Title III, Part A, the English Language Acquisition, Language Enhancement, and Academic Achievement Act, authorizes school divisions to use formula grant funds for professional development of teachers and other instructional personnel providing instruction to students needing English language acquisition and language enhancement [section 3111(a)(2)(A)].

- Title V, Part A, Innovative Programs, authorizes school divisions to use funds innovatively in certain areas for teachers and other school personnel [section 5131(a)].
- Title VII, Part A, the Indian Education Program, requires a comprehensive program for meeting the needs of Indian children that includes professional development opportunities to ensure that teachers and other school professionals have been properly trained [section 7114(b)(5)].

15. May a school division use the Title II, Part A, *Improving Teacher Quality State Grants* funds to provide training for paraprofessionals?

Yes. The law allows school divisions to use these funds to provide professional development activities "that improve the knowledge of teachers and principals, and, in appropriate cases, paraprofessionals" concerning:

- One or more core academic subjects that teachers teach, or
- Effective instructional strategies, methods, and skills, and use of challenging content and academic achievement standards and State assessments to improve teaching practices and student academic achievement [section 2123(a)(3)(A)].

Note that, provided that a school division maintains records of Title I and Title II, Part A, funds used for these professional development activities, and the Title I funds are used as permitted by statute and regulations, Title I and Title II, Part A, funds may be used jointly for this purpose.

In addition, Title IX, section 9101(34), states that professional development programs can be created that enable paraprofessionals to obtain the education necessary to become certified and licensed teachers.